

Before the
Federal Communications Commission
Washington, DC 20554

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| In the Matter of |) | |
| |) | |
| |) | ET Docket No. 04-35 |
| New Part 4 of the Commission's Rules |) | |
| Concerning Disruptions to |) | |
| Communications |) | |
| |) | |
| Petition of the California Public Utilities |) | |
| Commission and The People of the State |) | RM-11588 |
| Of California for Rulemaking on States' |) | |
| Access to the Network Outage Reporting |) | |
| System ("NORS") and a Ruling Granting |) | |
| California Access to NORS |) | |

**COMMENTS OF THE PUBLIC SERVICE COMMISSION OF THE DISTRICT OF
COLUMBIA ON THE PETITION OF THE CALIFORNIA PUBLIC UTILITIES
COMMISSION AND THE PEOPLE OF THE STATE OF CALIFORNIA FOR
RULEMAKING ON STATES' ACCESS TO THE NETWORK OUTAGE REPORTING
SYSTEM ("NORS") AND A RULING GRANTING CALIFORNIA ACCESS TO NORS**

The Public Service Commission of the District of Columbia ("DCPSC") respectfully files its comments in response to the February 2, 2010 Public Notice seeking comments on the California Public Utilities Commission's ("CPUC") petition to permit state public utility commissions to have direct access to the Federal Communications Commission's ("Commission") Network Outage Reporting System ("NORS") database. The DCPSC supports the CPUC Petition and urges the Commission to grant it. The DCPSC also requests the Commission to grant the DCPSC password-protected direct access to the NORS database to obtain District of Columbia-specific outage information in order for the DPCSC to fulfill its statutory obligations to protect the public safety and welfare of its residents.

I. THE DCPSC'S INTEREST IN THIS PROCEEDING

The DCPSC regulates the telecommunications, natural gas, and electric industries in the District of Columbia. As such, it is a state utility commission impacted by the CPUC's request for access to the NORS database by state public utility commissions.

II. THE DCPSC SUPPORTS THE CPUC'S PETITION

In its Petition, the CPUC requests the Commission to grant state commissions direct access to the NORS database. The DCPSC supports this request, since it will assist the DCPSC in fulfilling its statutory obligation to protect the public safety and welfare of District of Columbia residents by monitoring and investigating telecommunications service outages. The DCPSC is currently drafting outage reporting requirements for telecommunications carriers, so that the DCPSC will be able to investigate outages to assist in service restoration and future outage prevention.¹ Throughout the DCPSC's rulemaking proceeding, commenters have supported proposed requirements to have telecommunications carriers submit NORS reports concerning District of Columbia outages to the DCPSC as a way to eliminate duplicative reporting requirements. If the DCPSC were to have direct access to the NORS database, the DCPSC could obtain the NORS reports directly, instead of waiting additional time for the transmittal of these reports by the affected telecommunications carriers. The telecommunications carriers could then concentrate on restoring service instead of transmitting outage reports. The DCPSC would also have the NORS reports more quickly, which will facilitate outage and service restoration investigations.

¹ D.C. Code § 34-401 requires public utilities, including certain telecommunications carriers, to notify the DCPSC of outages (as well as incidents involving personal injury and death). The DCPSC is authorized by this code section to promulgate rules implementing this section. Additionally, the DCPSC is authorized to establish rules to protect public safety and welfare, to provide for continued quality of telecommunications service, and safeguard consumers' rights. D.C. Code § 34-2002(g) (2001 Ed.). By establishing outage reporting rules, the DCPSC can accomplish these objectives.

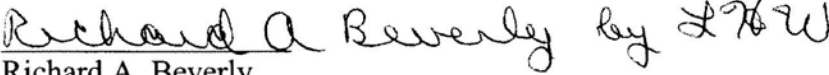
III. THE DCPSC WILL KEEP THE DISTRICT OF COLUMBIA-SPECIFIC NORS DATABASE REPORTS CONFIDENTIAL.

The DCPSC respects and shares the Commission's concerns regarding the confidentiality of NORS reports. In all versions of the draft rules that have included requirements to file the NORS outage reports with the DCPSC, the proposed rules have explicitly stated that any NORS reports filed with the DCPSC are to be treated as confidential documents. Granting the DCPSC access to the District of Columbia-specific outage reports would not jeopardize the confidentiality of the NORS reports.

IV. CONCLUSION

Permitting state public utility commissions to access the NORS database on a password-protected basis will assist state commissions in fulfilling their statutory responsibilities to protect the safety and welfare of their citizens, who are highly dependent on functioning telecommunications networks. Since the DCPSC is already proposing to require the filing of NORS reports as part of its outage reporting rules, having direct access to these reports would eliminate duplicative reporting by telecommunications service providers. The DCPSC is committed to preserving the confidentiality of the NORS data, and is therefore seeking only password-protected access to District of Columbia-specific outage information from the NORS database. For these reasons, the DCPSC respectfully urges the Commission to grant the CPUC's request to permit state public utility commissions to access the NORS database on a password-protected basis.

Respectfully submitted,

by LHW

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